

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

MICHELLE HILL

: DOCKET NO. 2:06 CV 0265

VS.

: JUDGE MINALDI

E.W. BELCHER TRUCKING  
COMPANY, ET AL

: MAGISTRATE JUDGE WILSON

MEMORANDUM ORDER

On November 7, 2007, plaintiff Michelle Hill ("Hill") filed a Motion to Sever Issues Pursuant to Federal Rule of Civil Procedure 42, to which the defendants filed an opposition. F. R. CIV. PRO. 42(b) provides that a judge may order a separate trial of any claim or issue "in furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy." Thus, the decision to bifurcate is squarely within the judge's discretion. After consideration of both motions, this court concludes that any prejudice that Hill may encounter can be cured by instructions to the jury. *See, e.g., R.E. Linder Steel Erection Co., Inc. v. Wedemeyer, Cernik, Corrubia, Inc.*, 585 F. Supp. 1530, 1534 (D. Md. 1984). Moreover, bifurcation would strain judicial resources and unfairly prejudice the defendants in the presentation of their case, given that Hill's motion to sever was submitted two days before trial is scheduled to begin. *See McLaughlin v. State Farm Mut. Auto. Ins. Co.*, 30 F.3d 861, 870 (7th Cir. 1994); accordingly,

IT IS ORDERED that the Plaintiff's Motion to Sever Issues is hereby DENIED.

Lake Charles, Louisiana, this 7 day of Nov, 2007.

[Signature]  
PATRICIA MINALDI

UNITED STATES DISTRICT JUDGE